

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, February 8, 2012 – 9 a.m. – Room 119
Charlotte County Administration Center
18400 Murdock Circle
Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals.)

Members Present

Tom Thornberry, *Chairman*
Michael Brown, *Vice-Chairman*
Katherine Ariens, *Secretary*
Bill Truex (absent)
Blair McVety

Staff Present

Derek Rooney, *Assistant County Attorney*
Shaun Cullinan, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the February 8, 2012 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chairman Thornberry led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present. Bill Truex was excused.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: *A motion was presented by Mr. Brown and seconded by Mr. McVety to approve the minutes of the December 14, 2011 meeting of the Board of Zoning Appeals, motion passed with a unanimous vote.*

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the February 8, 2012 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. Shaun Cullinan, Zoning Official, Attorney Derek Rooney, and Chairman Thornberry made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on January 24, 2012: SE-12-001 and SE-12-002

Mr. Thornberry told both petitioners since one Board member is absent, if a vote is a tie (2 to 2), that means the request is denied. You have the choice to reschedule to the next BZA hearing on March 14, 2012.

The applicant for SE-12-001 said they would stay.

The applicant for SE-12-002 said he would like to be continued to the March hearing.

Petition #SE-12-001

James and Tracy Botelho are requesting a special exception to allow an outdoor dog run for a dog boarding facility in a Commercial Intensive (CI) zoning district. The property address is 17450 Brighton Avenue, Port Charlotte, Florida and is described as Lot 7 of Block 1091 in Port Charlotte Subdivision, Sub-section 16, located in Section 01, Township 40 South, Range 21 East.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

James and Tracy Botelho, applicants, said they have been sworn in. Ms. Botelho said most people think of a dog kennel as an image of dogs behind a chain link fence, barking all day. Their facility will be an upscale luxury pet resort consisting of 15 fully enclosed cabanas inside with no outdoor runs attached. The facility will also incorporate an 1100 s.f. indoor play area to be used when the weather is hot in Florida. This special exception is for the outdoor area to be used for supervised play as well as an area for dogs to relieve themselves during the day. Each potential guest will be evaluated. Most dogs will bark if they are isolated during the day and can see their neighbors. She discussed dog behaviors and articles on the websites.

Ms. Ariens asked how long they have been involved with dogs/animals.

Ms. Botelho said they have been involved with dogs all their lives. They have done foster care, volunteered at humane societies; she is currently in the process of getting credentials for dog behaviorism and dog training as well. She has owned several dogs and all have been rescues.

Ms. Ariens asked how many will be on staff and how many dogs at a time?

Ms. Botelho said they are approved for 15 dogs and would have 3 full time and one part time employees. At night, there will be supervision – there will be 24/7 care.

Mr. Thornberry asked a few questions about the building. He was also concerned about the stormwater set up and drainage, and where the dogs would relieve themselves.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Don Drumm, Drumm Engineering 17435 Abbot Ave., said he was sworn in. His office is behind this site and he did design this building on Abbot. His main concern is the dogs barking. He discussed the decibels for dogs barking. He handed in a letter to the Board with a copy of BarkingDogs.net information. He feels this is against one of the criteria needed for the Special Exception being approved. He was also concerned about the dog's refuse since there is not a lot of room for them to run.

The Board and Mr. Drumm discussed some noises in the area and the site plan. Mr. Botelho also discussed the play area and where the dogs would run.

Jim Mallonee, business owner at 946 Tamiami Trail, said he was sworn in. He also has a business on Tamiami Trail and was concerned about the barking dogs.

There being no further requests to speak for or against the petition, Mr. Brown moved to close the public hearing, seconded by Mr. McVety. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Derek Rooney, Asst. County Attorney, said regarding the documents that were handed in from BarkingDogs.net, you cannot cross-examine the person who wrote this article. This particular health issue/article cannot form a basis for denial. However, Mr. Drumm himself testifying to general welfare can be allowed.

Board Member Comments and Questions

There was a lot of discussion about noise, the decibels for motorcycles on the highway, dogs barking, and school buses going down the road. There was a lot of discussion about the stormwater runoff system and the dog waste going into that area.

ACTION: A motion was presented by Blair McVety and seconded by Michael Brown that Petition SE-12-001 be APPROVED based on the Community Development Staff Report dated January 31, 2012, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with 2 conditions.

Motion was approved with a unanimous vote with the following two conditions:

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an outdoor dog run and play area, in conjunction with the dog boarding facility, as indicated on the site plan presented by the applicant.
2. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

This petition has been continued to the March BZA hearing at the request of the applicant.

Petition #SE-12-002

Rusty Simmons, agent for Landings at Coral Creek, LLC, is requesting a special exception to allow an outdoor boat storage yard, as an accessory use to the residential development in a Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is 10331, 10341 and 10351 Placida Road, Placida, and is described as Tracts A and B, and Boat Storage Units (BSU) one (1) through twenty-two (22), of The Landings at Coral Creek Subdivision, located in Section 02, Township 42 South, Range 20 East.

IX. Public Comments - None

X. Staff Comments -

Mr. Quillen said there are 4 petitions for the March hearing.

XI. Member Comments - None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, March 14, 2012, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:25 a.m.

Respectfully submitted,

Diane Clim, Recorder
/dlc



Tom Thornberry, Chairman/Board of Zoning Appeals

Approval Date: 3-14-12